

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 391 of 1986

Shri Balkrishna B. More,  
Sorting Assistant,  
Byculla Sorting Office,  
RMS Central Sorting Division.,  
Byculla,  
Bombay-400 011

... Applicant

V/s.

Post Master General,  
Maharashtra Circle,  
Bombay-400 001

... Respondent

Coram: Hon'ble Member(J) Shri M.B.Mujumdar.

Appearances:

1. Mr. Sanjay Kadam,  
Advocate for the  
applicant.
2. Mr. S.R.Atre,  
Advocate for the  
Respondent.

ORAL JUDGMENT:

Date: 7.8.1987

(Per: M.B.Mujumdar, Member(J))

This application is filed under section 19 of the  
Administrative Tribunals Act, 1985.

2. The applicant is working as Sorting Assistant in  
RMS Sorting Division at Byculla. At present he is living in  
a one room tenement in the Municipal Chawl at Sion. That  
room was allotted to the applicant's father who was working  
as a Security Guard in the Bombay Municipal Corporation. He  
has retired in 1982 and the Corporation <sup>is now</sup> ~~they are~~ asking him  
to vacate the room.

3. In 1973 the Posts & Telegraphs Department has prepared  
a scheme for allotting its quarters to its employees on Out of  
Turn basis. According to that scheme the allotment of

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quarters on out of turn basis was restricted to only those officials who were suffering from TB or Cancer or whose dependents were suffering from such diseases. It appears that the term 'dependents' included parents also. The allotment under the scheme was restricted to 5 per cent of the quarters which had become available for allotment. As the applicant's father was suffering from TB he applied for allotment of a quarter under that scheme. The Allotment Committee held in March, 1984 prepared waiting list of officials who were entitled to different types of quarters under that scheme. The applicant was entitled to Type 'B' quarter and in the waiting list of officials who were entitled to this type of quarters the applicant was placed at Sr.No.4. That panel was valid upto the end of December, 1984. During that year only one quarter of Type 'B' became available for allotment and it was allotted to one G.L.Shere who was at Sr.No.1 in the list prepared. For continuing the names of the officials in the waiting list they were required to produce a fresh certificate regarding the disease. The applicant did produce a certificate dated 13.4.1985 showing that his father was still suffering from T.B. As the applicant was not allotted any quarter, he sent a notice dtd. 1.9.1986 through his Advocate, to which the respondents replied on 18th September, 1986 informing that he was not allotted a quarter because he was not covered by the fresh orders on the subject. On 30th October, 1986 the applicant has filed the present application praying that he should be allotted a quarter on out of turn basis according to the scheme.

4. The respondents have resisted the claim by filing their written statement on 21.1.1987. It is their case that the scheme was subsequently modified on 9th July, 1986

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and according to that scheme the officials whose wife/husband, children are suffering from TB or Cancer are only entitled to allotment of quarters on out of turn basis. As the applicant's father was suffering from TB he could not be allotted a quarter on out of turn basis according to the modified scheme.

5. The respondents have produced a copy of the Office Memorandum dtd. 9.1.1986 which was circulated along with the letter dtd. 9.7.1986. Para 2 of the office memorandum reads as follows:

" 2. It has also been decided that with regard to eligibility for adhoc allotment on other medical grounds such as pulmonary T.B. and Cancer, illness of parents and other members of the family should be excluded for the concession of ad-hoc allotment and illness of the Government servant and his own family i.e. wife/husband and the children should alone be considered for the concession of ad-hoc allotment on these two grounds."  
(emphasis supplied)

It is clear from the above provision that the applicant is not entitled to a quarter on out of turn basis on the ground that his father is suffering from T.B. It is true that the applicant's name was included in the waiting list prepared in 1984 for allotment of Type 'B' quarter. But as no quarter of that type had become for vacant for allotment, that too in the quota of 5%, he could not be given any quarter before the scheme was modified in July, 1986. It is not his case that his junior was allotted a quarter under the old scheme.

6. Mr. Kadam the Learned Advocate for the applicant pointed out that the applicant's junior R.D. Jadhav was allotted a quarter in August, 1986. But the respondents Advocate clarified that he was allotted a quarter because his

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wife was suffering from TB. There cannot be any doubt that inclusion of the name of a official on the waiting list does not confer any right upon him to get a quarter. It was not disputed that under the modified scheme the applicant is not entitled to a quarter on out of turn basis.

7. The application is therefore dismissed, with no orders as to cost.

  
(M.B. Mujumdar)  
MEMBER(J)